

CITY OF HOUSTON SUB-RECIPIENT TRAINING

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Fair Housing and Equal Opportunity
Houston**

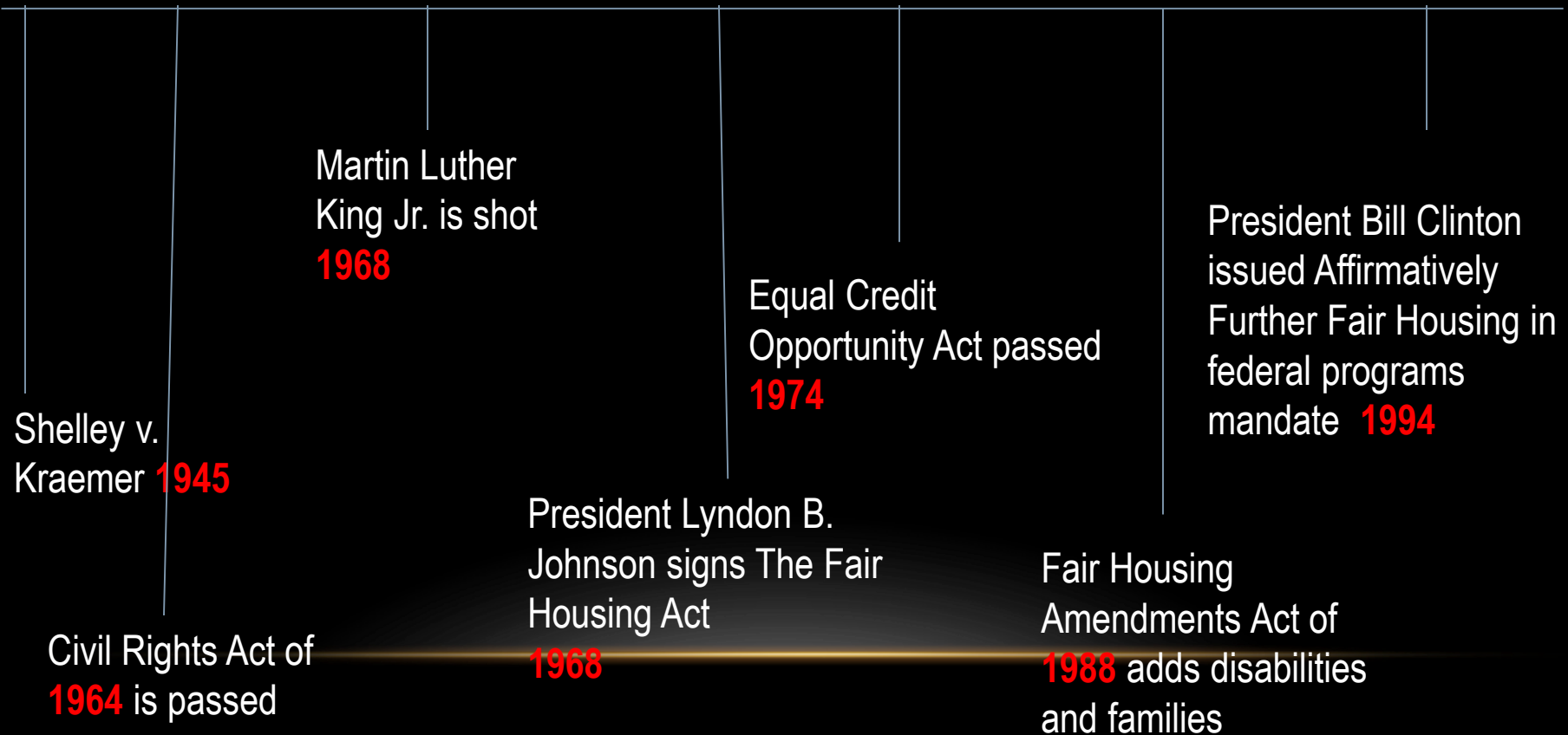


APRIL IS FAIR HOUSING MONTH

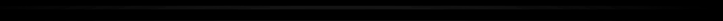
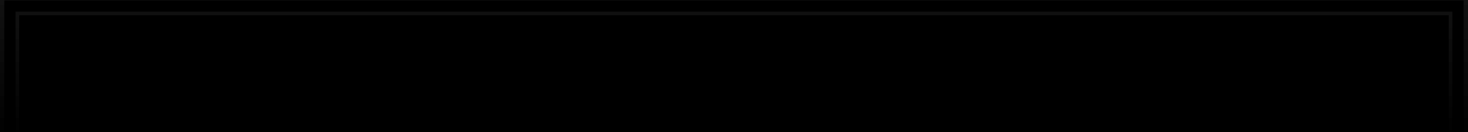
SHARED OPPORTUNITY
IN EVERY COMMUNITY



- Fair Housing Act Timeline



THE FAIR HOUSING ACT




THE NEED FOR FAIR HOUSING

- The Fair Housing Act was the last major act of legislation of the Civil Rights Movement
- A 1976 Detroit Area study showed that while Blacks prefer to live in neighborhood that is 50% White and 50% Black, Whites favor white dominated neighborhoods
- However, in the years to follow, housing remained segregated along racial lines
- On average, Whites live in neighborhoods that are 83% white



FAIR HOUSING ACT

PROHIBITS DISCRIMINATION BASED ON
RACE
COLOR
RELIGION
NATIONAL ORIGIN
SEX
DISABILITY
FAMILIAL STATUS

A pregnant woman with dark hair, wearing a white short-sleeved dress, is shown from the waist up. She is looking back over her right shoulder towards the camera. Her hands are resting on her belly. The background is a solid brown color.

"Lending discrimination
was not what I was
expecting."

[Learn More](#)

WHO IS NOT PROTECTED?

- Income
- Age
- Ex offenders (HOWEVER,.....)



NEW CLARIFICATION REGARDING EX-OFFENDERS FROM OGC

- April 4, 2016
- HUD addresses widespread racial and ethnic disparities in the US criminal justice system
- Disproportionately effects African Americans and Hispanics
- Selective use of criminal history as a pretext for unequal treatment of individuals based on race, national origin, or other protected characteristics violates the Act

EXEMPTIONS

- Some single family housing rented or sold by an owner
- Some rooms or units within owner-occupied buildings with no more than four units
- Some housing operated by nonprofit religious groups or private clubs that limit occupancy to members ← This will be further explained later, it's not that simple
- Some housing for older persons (over 55)



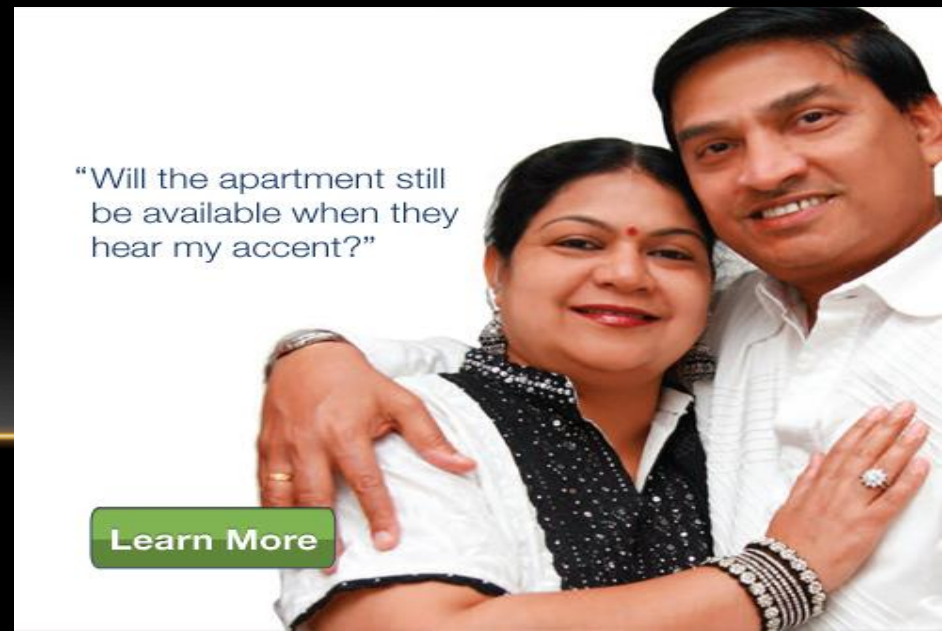


The Fair Housing Act prohibits unlawful discrimination in housing:

- Rental
- Sales
- Lending
- Zoning and land use
- Intimidation and coercion relating to fair housing rights
- By landlords, real estate agents, lenders, cities, counties, and individuals

AFFIRMATIVELY FURTHERING FAIR HOUSING (AFFH)

- Part of the Fair Housing Act requires more:
- “All executive departments and agencies shall administer their programs and activities relating to housing and urban development (including any Federal agency having regulatory or supervisory authority over financial institutions) in a manner affirmatively to further the purposes of ...[the Act.]”

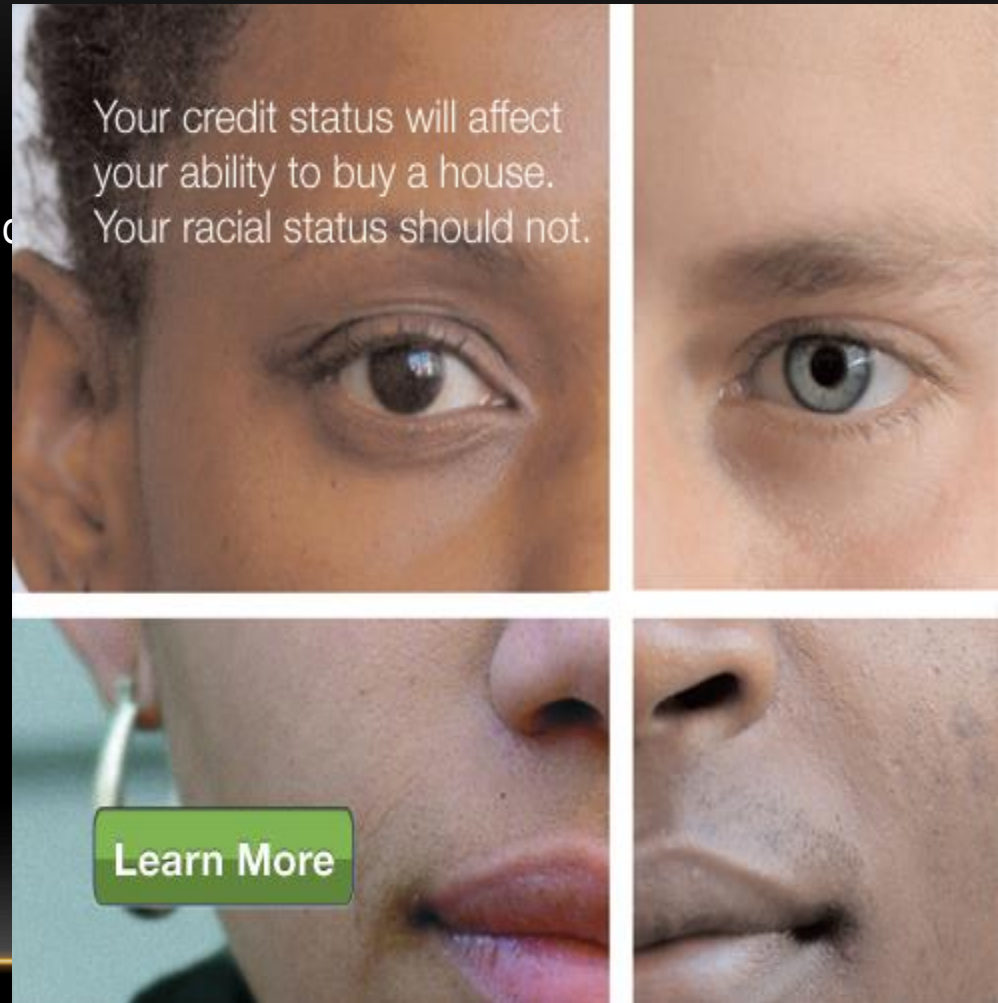


GOALS OF AFFH

- Provide a “snap shot” of the current fair housing environment
- Leverage data, maps, local knowledge, and community participation to assess the state of fair housing
- Use the first submission “snap shot” as a tool to track changes, measure progress, and monitor what works
- Integrate fair housing considerations into subsequent community planning and development processes and investment decisions
- Provide support and technical assistance to ensure compliance with the duty to AFFH

OTHER CIVIL RIGHTS LAWS APPLY TO ENTITIES THAT RECEIVE FEDERAL FUNDS

- The major ones are:
 - Section 504 of the 1973 Rehabilitation Act
 - Disability
 - Title VI of the 1964 Civil Rights Act
 - Race, color, national origin, religion
 - Limited english proficiency
 - Section 109



HOW ACTIONS ARE COVERED

- HUD requires that each program that it funds certify that it will affirmatively further fair housing (AND) comply with a variety of civil rights laws
- The State of Texas and each of its jurisdictions is covered:
 - CDBG covers states, entitlement jurisdictions and some small towns when they get grants

SO YOUR AGENCIES MUST

- Not discriminate in violation of the Fair Housing Act
- Affirmatively further fair housing
- AND comply with other civil rights laws that are associated with your receipt of federal funds
- All funded entitlement communities certifies that they will do this
- A failure to do this means that the entitlement is vulnerable to loss of funding, suspension of funding, a lawsuit, and/or a case brought by the United States Department of Justice.

WHAT DOES ILLEGAL DISCRIMINATION LOOK LIKE

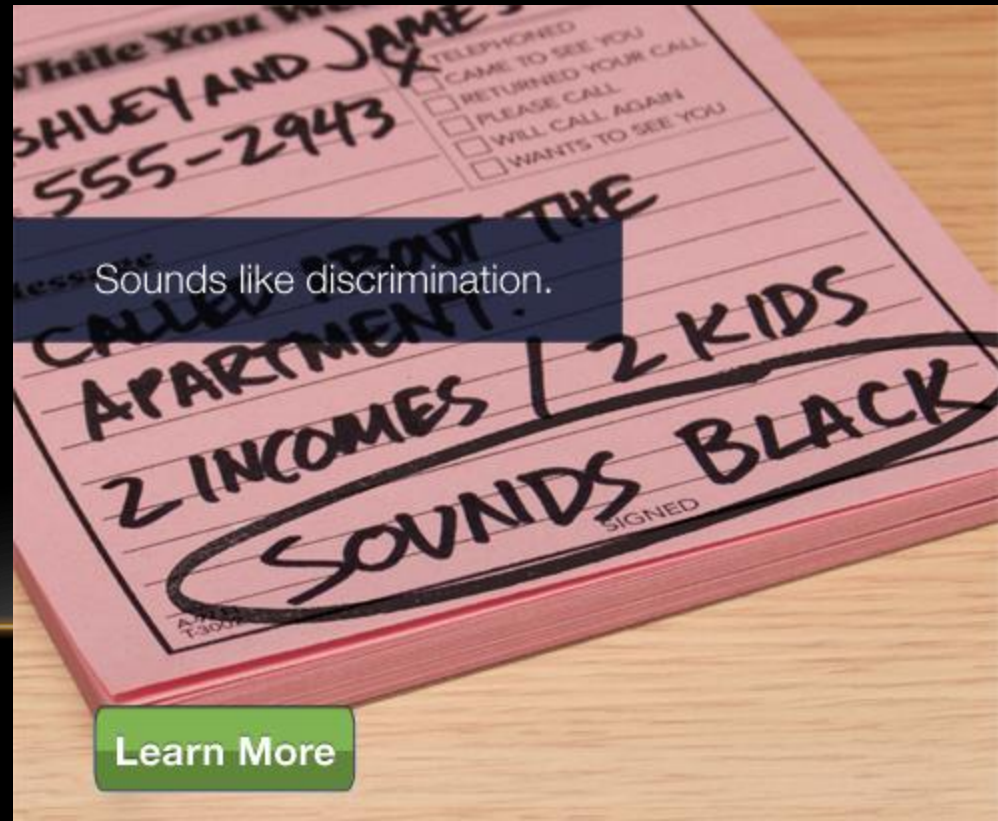


WHAT DOES ILLEGAL DISCRIMINATION LOOK LIKE



ILLEGAL DISCRIMINATION

- To perform an analysis of barriers to fair housing choice it is important to recognize potential acts of discrimination and patterns of past actions whether or not those actions continue today



IDENTIFYING ILLEGAL DISCRIMINATION

- Race/national origin
 - A city or town provides few if any municipal services in areas that have high concentrations of public or subsidized housing and sites new tax credit or replacement housing in that area.
 - A subsidized housing provider limits applications by African Americans by setting an informal quota for their occupancy.
 - A housing authority in establishing a site for a HOPE VI site considers choices only in racially impacted neighborhoods.

IDENTIFYING ILLEGAL DISCRIMINATION

- Race/national origin
 - A town with a significant population of Vietnamese makes all of its public notices available only in English.
 - A county establishes a residency preference for residents of the county which is overwhelmingly white, but applicants for housing are 25% Latino. The effect of the preference is to limit opportunities for Latinos.



IDENTIFYING ILLEGAL DISCRIMINATION

- Race/national origin
 - A tenant selection process permits white applicants the opportunity to refuse assignment to units in sites occupied predominantly by African Americans without penalty.
 - A HOME program markets its units only in newspapers and outlets that serve a predominantly white English speaking population.
 - A jurisdiction considers sites for affordable housing development only in areas that already contain high populations of African Americans.

LIMITED ENGLISH PROFICIENCY (LEP)

- A LEP person is defined as one:
 - Who, as a result of his or her national origin, does not speak English as his or her primary language; and
 - Has a limited ability to read, write, speak, or understand English



LEP APPLICABILITY (RECIPIENT OF FEDERAL FUNDS)

- All programs and operations of entities that receive financial assistance from the federal government must comply with Title VI/LEP obligations.
- Federal financial assistance includes, but not limited to, grants, training, use of government equipment, donations of surplus property, and other assistance.

RECIPIENTS OF HUD ASSISTANCE

- May include, but not limited to:
 - State and local governments
 - Public housing agencies
 - Assisted housing providers
 - Housing counseling agencies
 - Participants in the Fair Housing Initiatives Program (FHIP) and Fair Housing Assistance Program (FHAP)
 - Private non-profit and for-profit organizations that receive grants or other funding from HUD as recipients of funds under HUD's Notices of Funding Availability (NOFAs)
 - Sub-recipients that receive funding from HUD indirectly through HUD recipients

PERSONS WITH A DISABILITY

- Landlord may not refuse to let you make a reasonable modification
- Landlord may not refuse to make reasonable accommodations in rule, policies, practices or services if necessary for the disabled person to use the housing
- A building with a no pets policy must allow a visually impaired tenant to keep a guide dog



IDENTIFYING ILLEGAL DISCRIMINATION

- Disability
 - City refuses to make exceptions in usual zoning laws that would permit a group home for people with disabilities to live in a single family home neighborhood.
 - County passes an ordinance requiring every newly established group home to be a specified distance from any existing group home, restricts the number of group homes in a neighborhood or community, or put special requirements – for example—a public hearing, only on group homes for people with disabilities or with a specified type of disability.

IDENTIFYING ILLEGAL DISCRIMINATION

- Disability
 - A city fails to provide accessible units in its homeless shelters
 - A housing authority doesn't make materials available in alternative formats and doesn't use a relay system effectively to communicate with deaf and hearing impaired people.
 - A housing authority requires disabled people to wait longer than non disabled people for a unit
 - A subsidized housing provider refuses to accept a particular form of mental illness



IDENTIFYING ILLEGAL DISCRIMINATION

- Disability
 - A county does not enforce its building code to require accessible design and construction
 - A city council refuses approval for a small group home for recovering alcoholics based on community opposition to having such persons in their neighborhood
 - A county refuses to fund an AIDS hospice based on community opposition to having persons with AIDS in a neighborhood

IDENTIFYING ILLEGAL DISCRIMINATION

- Gender/Familial Status
 - City operates homeless shelter with occupancy limited only to men
 - County shelter for domestic violence victims refused to accept residents who have sons over the age of 12
 - County ordinance requires special conditions for housing for foster children



VIOLENCE AGAINST WOMEN ACT (VAWA)

- Provides protection to some victims of domestic violence who experience housing discrimination but it does not protect them from discrimination based on sex or another protected class.
- When a victim is denied housing, evicted, or has his/her assistance terminated and he/she has experienced domestic violence, we will investigate to determine whether there is a Fair Housing Act violations

LGBT DISCRIMINATION

- HUD is utilizing its authority to address fair housing issues in LGBT community
- Equal Access Rule became effective March 5, 2012



EQUAL ACCESS RULE

1. Ensures equal access to HUD assisted or insured housing without regard to sexual orientation, gender identity, or marital status
2. Redefines family and household to include persons regardless of sexual orientation, gender identity, or marital status for Section 8, public housing, FHA, CDBG, 202 and 811 programs
3. Prohibits inquiries on sexual orientation or gender identity for determining eligibility or otherwise make housing unavailable
4. Prohibits FHA approved lenders from basing eligibility determinations for FHA insured loans on actual or perceived sexual orientation or gender identity

EDUCATION AND OUTREACH

- Bringing people to your property
- Must follow what you put in your marketing plan
- Special sponsorship where your name may suggest a special preference like AHEPA, B'nai B'rith, or Catholic Charities
 - Will need to make extra effort to demonstrate that you are inclusive and you encourage others to apply
 - This can be accomplished by:
 - Brochures and pamphlets
 - Local newspapers
 - Contact the local PHA and ask them to make referrals

ADVERTISING AND POSTING

- Regulations require the display of the Fair Housing Poster
- Posters shall be prominently displayed
- Posters can be ordered or downloaded online
- Should have English and Spanish

AFFIRMATIVE FAIR HOUSING MARKETING PLAN

- Copy of 935.2/Affirmative Fair Housing Marketing Plan
- The AFHMP is our tool to see what your plan is to market your property or program
- REMINDER!!!!!! Please do not put something in the plan if you do not intend to execute

SECTION 3

- This is the section in which HUD fosters local economic development in the form of job training, employment, and contracts
- Make an attempt to use local business
- Encourage contractors to use local people
- Use contractor in project area, if possible
- Make good faith efforts to utilize Section 3 area residents as trainees and employees in connection with the project
- Recipients and contractors must keep records and submit reports to HUD documenting the good faith effort to comply with Section 3 requirements

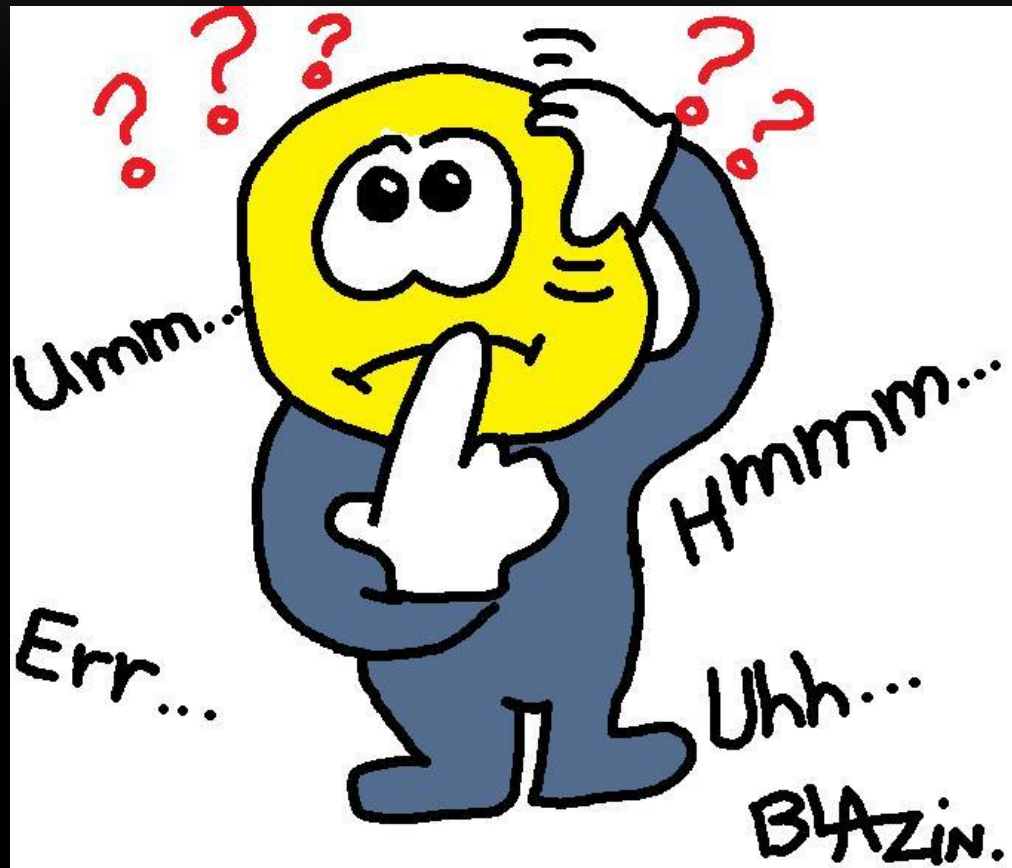
RECORDKEEPING

- Sub-recipients Requirements:
 - Maintain demographic information on both applicant and recipients
 - Race, ethnicity, sex, marital status, religion, disability, etc.
 - Electronically archive records
 - Applications and intake information should be maintained
 - Ensure applicant and recipient information is secure
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SHELTER PLUS CARE

- Let's take a quiz
- Can you target special populations
- May housing be limited to people with disabilities
- May providers reserve housing for people with certain disabilities

QUESTIONS



HOUSTON HUD
FAIR HOUSING
AND
EQUAL OPPORTUNITY

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